

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

**DECISION AND ORDER
13-CR-241S**

JOAO COSTA-FERREIRA,

Defendant.

1. On November 20, 2013, the Defendant pled guilty to a one Count Information (Docket No. 3) charging violations of Title 8 U.S.C. §§ 1326(a) and (b)(2) (Alien attempting to enter the United States after deportation/removal subsequent to a conviction for an aggravated felony).

2. On November 20, 2013, the Honorable Leslie G. Foschio, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 14) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1) and Local Rule 59(b).

4. This Court has carefully reviewed *de novo* Judge Foschio's November 20, 2013, Report and Recommendation, the Government's Calculation of Maximum Sentence and Sentencing Guideline Range, the Information, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Foschio's Report and Recommendation, and will accept Judge Foschio's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's November 20, 2013, Report and Recommendation (Docket No. 14) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant, Joao Costa-Ferreira, is accepted, and he is now adjudged guilty of Title 8 U.S.C. §§ 1326(a) and (b)(2) .

SO ORDERED.

Dated: December 10, 2013
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court